

EXHIBIT 73

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et)
al.,)
) Case No.
) 4:20-cv-00957-SDJ
)
vs.) Hon. Sean D. Jordan
)
GOOGLE LLC,)
)
)
) Defendant.)

THURSDAY, OCTOBER 10, 2024

HIGHLY CONFIDENTIAL - PURSUANT TO PROTECTIVE
ORDER

- - -

Videotaped deposition of Steven N.
Wiggins, held at the offices of Gibbs & Bruns
LLP, 1100 Louisiana Street, Suite 5300,
Houston, Texas, commencing at 9:08 a.m.
Central, on the above date, before Carrie A.
Campbell, Registered Diplomate Reporter,
Certified Realtime Reporter, Illinois,
California & Texas Certified Shorthand
Reporter, Missouri, Kansas, Louisiana & New
Jersey Certified Court Reporter.

- - -

Job No. MDLG6920456

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19 ALSO PRESENT:

20 JONATHAN JAFFE, consultant (VIA ZOOM)

21 JOSH HOEPPNER, trial technician,
22 Precision Trial Solutions

23 V I D E O G R A P H E R :

24 BRIAN BOBBITT,
25 Golkow Litigation Services

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1 VIDEOGRAPHER: We're now on the
2 record. My name is Brian Bobbitt.
3 I'm a videographer with Golkow
4 Litigation Services.

5 Today's date is October 10,
6 2024, and the time is 9:08 a.m.
7 Central Time.

8 This video deposition is being
9 held in the Houston, Texas, in the
10 matter of the State of Texas, et al.,
11 versus Google, LLC.

12 The deponent is Steve Wiggins.
13 Counsels' appearances will be
14 noted on the stenographic record.

15 Will the court reporter please
16 swear in the witness?

17
18 STEVEN N. WIGGINS,
19 of lawful age, having been first duly sworn
20 to tell the truth, the whole truth and
21 nothing but the truth, deposes and says on
22 behalf of the Plaintiffs, as follows:

23 /

24 /

25 /

1 DIRECT EXAMINATION

2 QUESTIONS BY MR. BAUM:

3 Q. Can you state your name for the
4 record?

5 A. Steven N. Wiggins.

6 Q. Professor Wiggins, I'm Nathan
7 Baum from Norton Rose Fulbright.

8 Did you bring anything with you
9 to the deposition today?

10 A. Just a pad of paper.

11 Q. No notes or anything like that?

12 A. No.

13 Q. What did you do to prepare for
14 today's deposition?

15 A. I read through various reports
16 and documents, consulted with my staff and
17 met with attorneys.

18 Q. Which reports did you read?

19 A. I read all of my own report,
20 Mr. Andrien's original report and his
21 rebuttal report, Dr. DeRamus's rebuttal
22 report.

23 I also read portions of the
24 Weinberg original report and rebuttal report,
25 and I think it's Dr. Rudin, her report.

1 A. Yes, I believe so.

2 Q. Do you have your report in your
3 pile?

4 A. I do.

5 Q. If you could pull that back
6 out.

7 If you could flip to page 78.

8 A. 78?

9 Q. Yes.

10 MS. ELMER: Of Exhibit 1,
11 right?

12 MR. BAUM: Correct.

13 THE WITNESS: I'm there.

14 QUESTIONS BY MR. BAUM:

15 Q. And you also have a Figure 1 on
16 page 79.

17 Do you see that?

18 A. I do.

19 Q. The heading to this section is
20 "Mr. Andrien Vastly Overstates the Number of
21 Affected Transactions."

22 Correct?

23 A. Correct.

24 Q. Then you made a set of
25 corrections to Mr. Andrien's transaction

1 count that are reflected in Figure 1.

2 Correct?

3 A. Correct.

4 Q. Looks like you made about six
5 or seven corrections.

6 Do you see that?

7 A. Yes.

8 Q. You made a correction for
9 transactions involving United States users.

10 Correct?

11 A. Correct.

12 Q. You made an exclusion about
13 in-app transactions.

14 Correct?

15 A. Correct.

16 Q. You limited the dataset to US
17 states that can recover civil penalties for
18 business-to-business transactions.

19 Correct?

20 A. Correct.

21 Q. You corrected the share of
22 plaintiff states accounting for locations of
23 advertisers.

24 Correct?

25 A. Correct.

1 Q. You corrected for Mr. Andrien's
2 penalties period.

3 Correct?

4 A. Yes.

5 Q. You accounted for various
6 statute of limitations.

7 Correct?

8 A. Yes.

9 Q. And you limited the data to
10 potentially affected transactions.

11 Correct?

12 A. Correct.

13 Q. And after making all of those
14 corrections, you concluded that the number of
15 transactions that potentially could have been
16 affected by the alleged deception was

17 [REDACTED]

18 Correct?

19 A. That potentially could have
20 been affected, correct. Just trying to make
21 sure I understood the question.

22 Q. Do you have any opinions in
23 your report about the amount necessary to
24 deter Google from committing future
25 violations?

1 A. As I explained in my report, I
2 rely on Mr. Andrien, who indicates at least
3 at one point in his report, that depriving
4 Google of the benefits that it received from
5 the deception would deter. And I offer a
6 calculation of those benefits.

7 In using that logic, then that
8 amount would be, according to that part --
9 that portion of Mr. Andrien's report, would
10 be sufficient to deter.

11 Q. Your opinion is that the
12 calculation of the benefits to Google would
13 be sufficient to deter Google from committing
14 future violations?

15 A. No, that's not what I said.
16 I said that Mr. Andrien said
17 that. And I calculated a number that
18 according to what he said would be sufficient
19 to deter.

20 Q. What was the number that you
21 calculated?

22 A. 22 million, roughly.

23 Q. And you believe that
24 \$22 million penalty would be sufficient to
25 deter Google from committing future

1 violations?

2 A. I believe that Mr. Andrien
3 indicated that in his report, and I was
4 responding to his report in reaching the
5 conclusions I reached.

6 So I've offered an opinion that
7 if Mr. Andrien said if it's this -- if this
8 is what you do, then that'll deter, and I
9 calculated the number.

10 Q. Do you have any other opinions
11 besides that on the amount necessary to deter
12 Google from committing future violations?

13 A. I'm not sure I understand the
14 term "deter" as an economic matter.

15 Q. You don't understand the term
16 "deter" as an economic matter?

17 A. Yeah, I don't understand how
18 you're using it as an economic matter.

19 The term "deter" could suggest,
20 for example, absolute deterrence. Nobody
21 will ever do that again. That is not an
22 economic term.

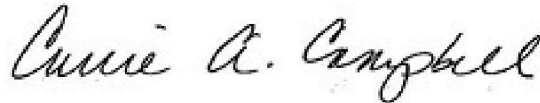
23 Optimal deterrence or
24 appropriate deterrence are things you find in
25 economics, but those do not line up with

CERTIFICATE

I, CARRIE A. CAMPBELL, Registered Diplomat Reporter, Certified Realtime Reporter and Certified Shorthand Reporter, do hereby certify that prior to the commencement of the examination, Steven N. Wiggins, was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



CARRIE A. CAMPBELL,
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California Certified Shorthand
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Notary Public
Dated: October 11, 2024